

LAW OFFICE OF RUDY A. DERMESROPIAN, LLC

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Affiliate Office:
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April 30, 2020

Via ECF

Honorable Edgardo Ramos
United States District Judge
U.S. District Court for the Southern District of New York
Thurgood Marshall U.S. Courthouse
40 Foley Square
New York, NY 10007

Re: So Young Cho v. Osaka Zen Spa, et al.
Case No. 19-cv-07935

Dear Judge Ramos:

This office represents the Plaintiff, So Young Cho, in the above-referenced matter. We write this letter in compliance with the Order entered on April 6, 2020, ordering the parties to file a status report by May 1, 2020 [see Dkt. No 12].

This action was initiated with the filing of the Complaint on August 23, 2019 [see Dk. No. 1]. Defendants Osaka Zen Spa, Joshua Lee and Boksil Paula Lee appeared in this action by way of counsel, The Law Offices of Diane H. Lee, by filing a Notice of Appearance on October 7, 2019 [see Dkt. No. 6], and Defendant Joseph Lee retained the same defense counsel who filed another Notice of Appearance on October 11, 2019 [see Dkt. No. 8]. To date, Defendant Nan Hi Lee has not appeared this action even though she was successfully served on September 4, 2019, at the same time as the remaining Defendants. Enclosed are copies of all affidavits of service.

Defendants Osaka Zen Spa, Joshua Lee and Boksil Paula Lee, by way of counsel, filed an Answer on October 11, 2019 [see Dkt. No. 9]. A review of the record shows that Defendant Joseph Lee never filed an Answer.

On February 25, 2020, The Law Offices of Diane H. Lee filed a motion to withdraw as counsel for Defendants Osaka Zen Spa, Joshua Lee, Joseph Lee and Boksil Paula Lee [see Dkt. No 10], which was granted by Order dated March 2, 2020 [see Dkt. No 11]. Defendants were ordered to retain new counsel by March 31, 2020. To date, my office has not been notified that Defendants retained new counsel and no appeared of counsel was filed.

On April 6, 2020, Plaintiff's counsel sent the enclosed e-mail to Defendants' former counsel requesting from Ms. Diane Lee "to forward to me the defendants' full contact information so we can reach out to them. Attached is an Order filed by the Court today ordering the parties to file a status report by 5/1/20, and I need to communicate with the defendants to complete the report." To date, we have neither received a response from Defendants' former counsel nor any correspondence from Defendants or their new counsel.

In light of the above, and pursuant to Your Honor's Individual Rule 2(A)(ii), we respectfully write to request leave to file a motion for default against all defendants. We thank the court for its time and consideration of this matter.

Respectfully submitted,

/s/ Rudy A. Dermesropian

Rudy A. Dermesropian
Managing Member

Enclosures.

State of New York

County of New York

U.S District Court, Southern District
Court

Index Number: 1:19-CV-07935 (ER)(BM)
Date Filed: 8/27/2019

Plaintiff:

SO YOUNG CHO

vs.

Defendant:

OSAKA ZEN SPA, ET AL

For:

26015
RUDY A. DERMESROPIAN, LLC
260 MADISON AVENUE, 15TH FLR.
NEW YORK, NY 10016

Received by ELITE LEGAL SERVICES OF NY INC. to be served on **OSAKA ZEN SPA, 37 WEST 46TH STREET, 3RD FLOOR, NEW YORK, NY 10036.**

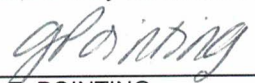
I, SPIRO KARTSONIS, being duly sworn, depose and say that on the **4th day of September, 2019 at 12:51 pm, I:**

served a **CORPORATION** by delivering a true copy of the **SUMMONS & COMPLAINT IN A CIVIL ACTION** with the date and hour of service endorsed thereon by me, to: **"Jane Doe", WHO REFUSED TO GIVE NAME** as **AUTHORIZED AGENT** for **OSAKA ZEN SPA**, at the address of: **37 WEST 46TH STREET, 3RD FLOOR, NEW YORK, NY 10036**, and informed said person of the contents therein, in compliance with state statutes.

Description of Person Served: Age: 55, Sex: F, Race/Skin Color: Asian, Height: 5'5", Weight: 150, Hair: Black, Glasses: N

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served.

Subscribed and Sworn to before me on the 9th day of
September, 2019 by the affiant who is personally known
to me.



GERALD E. POINTING
NOTARY PUBLIC-STATE OF NEW YORK
NO. 01PO6326208
QUALIFIED IN SUFFOLK COUNTY
MY COMMISSION EXPIRES JULY 20, 2023

SPIRO KARTSONIS
2035503

ELITE LEGAL SERVICES OF NY INC.
1603 FRANCIS LEWIS BLVD.
WHITESTONE, NY 11357
(718) 831-9060

Our Job Serial Number: ELT-2019007107



AFFIDAVIT OF SERVICE

State of New York

County of New York

U.S District Court, Southern District
Court

Index Number: 1:19-CV-07935 (ER)(BM)
Date Filed: 8/27/2019

Plaintiff:
SO YOUNG CHO

vs.

Defendant:
OSAKA ZEN SPA, ET AL

For:
26015
RUDY A. DERMESROPIAN, LLC
260 MADISON AVENUE, 15TH FLR.
NEW YORK, NY 10016

Received by ELITE LEGAL SERVICES OF NY INC. to be served on **BOKSIL PAULA LEE, C/O OSAKA ZEN SPA, 37 WEST 46TH STREET, 3RD FLOOR, NEW YORK, NY 10036.**

I, SPIRO KARTSONIS, being duly sworn, depose and say that on the **4th day of September, 2019 at 12:51 pm, I:**


served a **SUITABLE AGE PERSON** by delivering and leaving a true copy of the **SUMMONS & COMPLAINT IN A CIVIL ACTION** with "**Jane Doe**", **WHO REFUSED TO GIVE NAME, CO-WORKER** at **37 WEST 46TH STREET, 3RD FLOOR, NEW YORK, NY 10036**, the said premises being the respondent's place of **Work** within the State of New York. Deponent completed service by mailing a true copy of the **SUMMONS & COMPLAINT IN A CIVIL ACTION** in a postpaid envelope addressed to: **BOKSIL PAULA LEE, C/O OSAKA ZEN SPA** at the address of **37 WEST 46TH STREET, 3RD FLOOR, NEW YORK, NY 10036** and bearing the words "Personal & Confidential" by First Class Mail on **9/9/2019** and placed in an official depository of the U.S.P.S. in the State of New York.

Military Status: Upon the information and belief I aver that the defendant is not in military service of New York State or of the United States as that term is defined in either the State or in Federal statutes.

Description of Person Served: Age: 55, Sex: F, Race/Skin Color: Asian, Height: 5'5", Weight: 150, Hair: Black, Glasses: N

I certify that I am over the age of 18, have no interest in the above action, and am a Certified Process Server, in good standing, in the judicial circuit in which the process was served.

Subscribed and Sworn to before me on the 9th day of
September, 2019 by the affiant who is personally known
to me.



GERALD E. POINTING
NOTARY PUBLIC-STATE OF NEW YORK
NO. 01PO6326208
QUALIFIED IN SUFFOLK COUNTY
MY COMMISSION EXPIRES JULY 20, 2023



SPIRO KARTSONIS
2035503

ELITE LEGAL SERVICES OF NY INC.
1603 FRANCIS LEWIS BLVD.
WHITESTONE, NY 11357
(718) 831-9060

Our Job Serial Number: ELT-2019007108



AFFIDAVIT OF SERVICE

State of New York

County of New York

U.S District Court, Southern District
Court

Index Number: 1:19-CV-07935 (ER)(BM)
Date Filed: 8/27/2019

Plaintiff:
SO YOUNG CHO

vs.

Defendant:
OSAKA ZEN SPA, ET AL

For:
26015
RUDY A. DERMESROPIAN, LLC
260 MADISON AVENUE, 15TH FLR.
NEW YORK, NY 10016

Received by ELITE LEGAL SERVICES OF NY INC. to be served on **JOSHIA LEE, C/O OSAKA ZEN SPA, 37 WEST 46TH STREET, 3RD FLOOR, NEW YORK, NY 10036.**

I, SPIRO KARTSONIS, being duly sworn, depose and say that on the **4th day of September, 2019 at 12:51 pm, I:**

served a **SUITABLE AGE PERSON** by delivering and leaving a true copy of the **SUMMONS & COMPLAINT IN A CIVIL ACTION** with "**Jane Doe**", **WHO REFUSED TO GIVE NAME, CO-WORKER** at **37 WEST 46TH STREET, 3RD FLOOR, NEW YORK, NY 10036**, the said premises being the respondent's place of **Work** within the State of New York. Deponent completed service by mailing a true copy of the **SUMMONS & COMPLAINT IN A CIVIL ACTION** in a postpaid envelope addressed to: **JOSHIA LEE, C/O OSAKA ZEN SPA** at the address of **37 WEST 46TH STREET, 3RD FLOOR, NEW YORK, NY 10036** and bearing the words "Personal & Confidential" by First Class Mail on **9/9/2019** and placed in an official depository of the U.S.P.S. in the State of New York.

Military Status: Upon the information and belief I aver that the defendant is not in military service of New York State or of the United States as that term is defined in either the State or in Federal statutes.

Description of Person Served: Age: 55, Sex: F, Race/Skin Color: Asian, Height: 5'5", Weight: 150, Hair: Black, Glasses: N

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Subscribed and Sworn to before me on the 9th day of
September, 2019 by the affiant who is personally known
to me.



GERALD E. POINTING
NOTARY PUBLIC-STATE OF NEW YORK
NO. 01PO6326208
QUALIFIED IN SUFFOLK COUNTY
MY COMMISSION EXPIRES JULY 20, 2023



SPIRO KARTSONIS
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ELITE LEGAL SERVICES OF NY INC.
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(718) 831-9060

Our Job Serial Number: ELT-2019007109



AFFIDAVIT OF SERVICE

State of New York

County of New York

U.S District Court, Southern District
Court

Index Number: 1:19-CV-07935 (ER)(BM)
Date Filed: 8/27/2019

Plaintiff:
SO YOUNG CHO

vs.

Defendant:
OSAKA ZEN SPA, ET AL

For:
26015
RUDY A. DERMESROPIAN, LLC
260 MADISON AVENUE, 15TH FLR.
NEW YORK, NY 10016

Received by ELITE LEGAL SERVICES OF NY INC. to be served on **JOSEPH LEE, C/O OSAKA ZEN SPA, 37 WEST 46TH STREET, 3RD FLOOR, NEW YORK, NY 10036.**

I, SPIRO KARTSONIS, being duly sworn, depose and say that on the **4th day of September, 2019 at 12:51 pm, I:**


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to me.



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NOTARY PUBLIC-STATE OF NEW YORK
NO. 01PO6326208
QUALIFIED IN SUFFOLK COUNTY
MY COMMISSION EXPIRES JULY 20, 2023



SPIRO KARTSONIS
2035503

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(718) 831-9060

Our Job Serial Number: ELT-2019007110



AFFIDAVIT OF SERVICE

State of New York

County of New York

U.S District Court, Southern District
Court

Index Number: 1:19-CV-07935 (ER)(BM)
Date Filed: 8/27/2019

Plaintiff:
SO YOUNG CHO

vs.

Defendant:
OSAKA ZEN SPA, ET AL

For:
26015
RUDY A. DERMESROPIAN, LLC
260 MADISON AVENUE, 15TH FLR.
NEW YORK, NY 10016

Received by ELITE LEGAL SERVICES OF NY INC. to be served on **NAN HI LEE, C/O OSAKA ZEN SPA, 37 WEST 46TH STREET, 3RD FLOOR, NEW YORK, NY 10036.**

I, SPIRO KARTSONIS, being duly sworn, depose and say that on the **4th day of September, 2019 at 12:51 pm, I:**

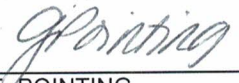
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GERALD E. POINTING
NOTARY PUBLIC-STATE OF NEW YORK
NO. 01PO6326208
QUALIFIED IN SUFFOLK COUNTY
MY COMMISSION EXPIRES JULY 20, 2023



SPIRO KARTSONIS
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(718) 831-9060

Our Job Serial Number: ELT-2019007111



Rudy A. Dermesropian

From: Rudy A. Dermesropian <rad@dermesropianlaw.com>
Sent: Monday, April 6, 2020 1:36 PM
To: 'ychung.'
Cc: 'Diane Lee'
Subject: RE: Cho v. Osaka Zen Spa_ Notice of Motion
Attachments: Order 4-6-20.pdf

Diane,

I hope you're doing well in these crazy times. I know you are no longer representing the defendants in this case, but I am writing to ask you to forward to me the defendants' full contact information so we can reach out to them. Attached is an Order filed by the Court today ordering the parties to file a status report by 5/1/20, and I need to communicate with the defendants to complete the report.

Thanks and be safe.

Rudy A. Dermesropian, Esq.
Managing Member
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From: ychung . [mailto:ychung@dhllaw.com]
Sent: Tuesday, February 25, 2020 2:15 PM
To: rad@dermesropianlaw.com
Cc: Diane Lee <dlee@dhllaw.com>
Subject: Cho v. Osaka Zen Spa_ Notice of Motion

Dear Mr. Dermesropian,

This is Yujin Chung, an Assistant at the Law Offices of Diane H. Lee.

Please see attached Notice of Motion e-filed on behalf of Ms. Diane Lee.
Thank you.

Sincerely,
Yujin

Diane H. Lee, Esq. (이화경 변호사)

The Law Offices of Diane H. Lee, P.C.

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Fax: 888-908-3660 www.lawofficesofdianelee.com This email (including any attachments) is intended only for use by the addressee(s) named herein and may contain legally privileged and/or confidential information. If you are not the intended recipient of this e-mail, you are hereby notified that any dissemination, distribution or copying of this e-mail, and any attachments hereto, is strictly prohibited. If you have received this e-mail in error, please immediately notify the Law Offices of Diane H. Lee, at (201) 406-6286 and permanently delete the original and any copy of this email (including any attachments) and destroy any printout(s) thereof.